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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,701

01/18/2004

Timothy D. Hunt

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8456

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06/28/2006

Law Offices of Michael Dryja
704 228th Avenue NE PMB 694
Sammamish, WA 98074

EXAMINER

LEWIS, ALICIA M

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,701

Applicant(s)

HUNT, TIMOTHY D.

Examiner

Alicia M. Lewis

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "406" has been used to designate both "add all absolute differences determined to yield ingredients residual sum" (see Figure 4A) and "determine weighted same-title words coefficient as a percentage...multiplied by a weight" (see Figure 4C). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "408" has been used to designate both "subtract ingredients residual sum from constant...to yield weighted ingredient coefficient" (see Figure 4A) and "utilize weighted same-title words coefficient as a factor...one or more of the third recipes" (see Figure 4C). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

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appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 442 and 444. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 3-14 and 17-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 3, 4, 6 and 20, the claim language "weighted ingredient coefficient" renders the claims indefinite. Based on the claim language, it is unclear to the examiner exactly what a weighted ingredient coefficient is (definition), how it is calculated and how it is used in determining a similar recipe.

7. Claim 5 is rejected as being dependent upon claim 4, which is rejected under 35 U.S.C 112, second paragraph, as being indefinite as described above.

8. Regarding claims 7 and 8, the claim language "weighted same-type coefficient" renders the claims indefinite. Based on the claim language, it is unclear to the examiner exactly what a weighted same-type coefficient is (definition), how it is calculated and how it is used in determining a similar recipe.

9. Regarding claims 9 and 10, the claim language "weighted same-title words coefficient" renders the claims indefinite. Based on the claim language, it is unclear to the examiner exactly what a weighted same-title words coefficient is (definition), how it is calculated and how it is used in determining a similar recipe.

10. Regarding claims 11 and 12, the claim language "weighted shared-keywords coefficient" renders the claims indefinite. Based on the claim language, it is unclear to the examiner exactly what a weighted shared-keywords coefficient is (definition), how it is calculated and how it is used in determining a similar recipe.

11. Regarding claims 13 and 14, the claim language “weighted shared-ingredients coefficient” renders the claims indefinite. Based on the claim language, it is unclear to the examiner exactly what a weighted shared-ingredients coefficient is (definition), how it is calculated and how it is used in determining a similar recipe.

12. Regarding claim 17, the claim language “weighted ingredient coefficient”, “weighted same-type coefficient”, “weighted same-title words coefficient”, “weighted shared-keywords coefficient” and “weighted shared-ingredients coefficient” render the claim indefinite. For each of these coefficients, it is unclear to the examiner exactly what each weighted coefficient is (definition), how each is calculated and how each is used in determining a similar recipe.

13. Claims 18 and 19 are rejected as being dependent upon claim 17, which is rejected as being indefinite 35 U.S.C 112, second paragraph, as described above.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1, 2, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Platt et al. (US Patent 6,993,532 B1) ('Platt').

With respect to claim 1, Platt teaches a computer-implemented method comprising:

receiving a first item (column 11 line 35);
determining one or more second items that are similar to the first item (column 11 lines 51-52 and 63-66); and,
outputting the one or more second items (column 12 lines 9-10).

A recipe may be considered to be an item, thus Pratt's seed items may be interpreted as recipes; also Platt discloses in column 2 lines 23-25 that his invention may be employed to produce a variety of lists.

With respect to claim 2, Platt teaches the method of claim 1, wherein determining the one ore more second items that are similar to the first item comprises determining the one or more second items that are similar to the first item based on one or more factors (column 11 line 51 – column 12 line 4).

With respect to claim 15, Platt teaches the method of claim 1, wherein determining the one or more second items that are similar to the first item comprises determining a numerical similarity value between the first item and each of a plurality of third items and denoting a number of the plurality of third items having highest

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numerical similarity values as the second items (column 11 lines 35, 51-52, and 63-66, column 12 lines 9-12).

With respect to claim 16, Platt teaches the method of claim 1, wherein determining the one or more second items that are similar to the first item comprises determining a numerical similarity value between the first item and each of a plurality of third items and denoting each third item having a numerical similarity value greater than a threshold as one of the second recipes (column 12 lines 13-16).

16. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Brenner et al. (US Patent 5,960,440) ('Brenner').

With respect to claim 1, Brenner teaches a computer-implemented method comprising:

receiving a first recipe (column 6 lines 40-43 and 61-64);
determining one or more second recipes that are similar to the first recipe (column 6 lines 44-47 and 64-67); and,
outputting the one or more second recipes (column 6 lines 47-49, column 7 lines 1-2).

With respect to claim 2, Brenner teaches the method of claim 1, wherein determining the one ore more second recipes that are similar to the first recipe

comprises determining the one or more second recipes that are similar to the first recipe based on one or more factors (column 6 lines 40-49 and 61-67, column 7 lines 1-2).

The one or more factors are the main ingredient and category.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. (US Patent 5,960,440) ('Brenner') in view of Platt et al. (US Patent 6,993,532 B1) ('Platt').

With respect to claim 15, Brenner teaches the method of claim 1, in which he teaches determining similarities of recipes.

Brenner does not teach wherein determining the one or more second recipes that are similar to the first recipe comprises determining a numerical similarity value between the first recipe and each of a plurality of third recipes and denoting a number of the plurality of third recipes having highest numerical similarity values as the second recipes.

Platt teaches a system and method for generating a list based, at least in part, on similarity processing (see abstract), in which he teaches wherein determining the one or

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more second items that are similar to the first item comprises determining a numerical similarity value between the first item and each of a plurality of third items and denoting a number of the plurality of third items having highest numerical similarity values as the second items (column 11 lines 35, 51-52, and 63-66, column 12 lines 9-12).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brenner by the teaching of Platt because wherein determining the one or more second items that are similar to the first item comprises determining a numerical similarity value between the first item and each of a plurality of third items and denoting a number of the plurality of third items having highest numerical similarity values as the second items would enable a method for producing a list where the items in the generated list are similar to a seed item. More specifically, the modification would expand Brenner's invention by allowing additional factors (other than main ingredient and category) to be used in searching for recipes.

With respect to claim 16, Brenner as modified teaches the method of claim 1, wherein determining the one or more second items that are similar to the first item comprises determining a numerical similarity value between the first item and each of a plurality of third items and denoting each third item having a numerical similarity value greater than a threshold as one of the second recipes (Platt, column 12 lines 13-16).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
June 15, 2006


SAM RIMELL
PRIMARY EXAMINER